

NAVY Declassification/Release Instructions on File

Op-20-2/T/rvp
A18
Serial 2429P20

28 November 1947

Memorandum for Judge Advocate General (Legislative Section).

Subject: Navy sponsored bill to amend section 605 of the Communications Act of 1934 (ID84).

References: (a) FCC (Mr. Denny) letter of 15 October 1947 to Bureau of the Budget (Mr. Bailey).
(b) Attorney General (Mr. McGregor) letter of 10 July 1947 to Bureau of the Budget (Mr. [redacted]).

1. Although most of the objections of reference (a) are applicable only to the War-Navy-Justice "Omnibus Bill", some of them are applicable to ID84. Furthermore the objections of both references, insofar as they concern ID84, are similar in effect, in that both are concerned with the dangerous scope of the Navy bill and its potentialities for abuse by the executive branch. Although the extensions of application of the bill as envisaged by FCC and Justice are not within its intent, as envisaged by the Navy, these objections are nevertheless unanswerable, and it appears to be advisable to modify the wording of ID84 to meet them. The suggestion of the Attorney General does not appear to go all the way to meeting FCC's objections and is itself open to objection from our standpoint in that it unduly narrows the circle of agencies empowered to intercept communications and utilize them (and security considerations would prevent extending the roster to take in all agencies properly concerned with communication intelligence); in other words, the Attorney General's proposed amendment is not sufficiently specific in some respects and too specific in others. The following alternate amendments are proposed: with these amendments, the bill will meet all of the Navy's requirements and will, it is considered, be no longer objectionable to FCC and Justice.

(a) Change all of the bill after "Provided further" to read as follows:

"Provided further, That this section shall not apply to the interception, receipt, or

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utilization, in the interests of national security, by a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States, of the contents of any communication, by wire or radio, of any foreign government."

- (b) Add to ID84 the same definitions of "communication intelligence" and "foreign government" that appear in the amended version of S-1019 now under consideration in Bureau of the Budget.

Earl E. Stole
Rear Admiral, U. S. Navy
Chief of Naval Communications

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